

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of: )  
 )  
 **Brigitte Bathe, et al.** ) Examiner: Kathleen Kerr  
 )  
 Serial No. : 09/942,935 ) Group Art Unit: 1652  
 )  
 Filed: August 31, 2001 )

For : NUCLEOTIDE SEQUENCES CODING FOR THE sigM GENE

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. 1.56, Applicants are enclosing an Information Disclosure Citation Form (PTO-1449) and a copy of the document cited therein.

It is respectfully requested that the cited document be considered by the Examiner in the above-identified patent application and that the cited document be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent which may issue from this application.

An Official Action on the merits has issued for this application. In accordance with the requirements of 37 C.F.R. §1.97(d), Applicants attach a check for \$180 in payment of the requisite fee (37 C.F.R §1.17(p)).

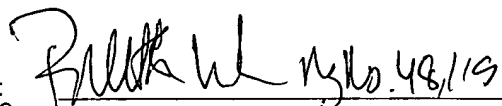
Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

03/05/2004 SSESHE1 00000141 09942935

05 FC:1806

180.00 OP

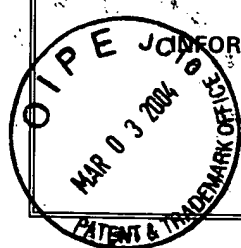
By:

  
for Robert G. Weilacher, Reg. No. 20,531

1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

March 3, 2004

FORM PTO-1449



## INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET

32301WN216

SERIAL NO.

09/942,935

BRIGITTE BATHE, et al..

FILING DATE

August 31, 2001

GROUP ART UNIT

1652

## U.S. PATENT DOCUMENTS

*Examiner's Initials		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE, IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						

## FOREIGN PATENT DOCUMENTS

*Examiner's Initials		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AH							
	AI							
	AJ							
	AK							

## OTHER INFORMATION (Including Author, Title, Date, Pertinent Pages, Etc.)

	AL	Marjorie L. Beggs, et al., "Isolation and sequence of a <i>Mycobacterium tuberculosis</i> sigma factor", Gene 174 (1996) pp. 285-287
	AM	
	AN	
	AO	
	AP	
	AQ	
	AR	

EXAMINER:

DATE CONSIDERED:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$1,018

## Complete if Known

Application Number 09/942,935  
Filing Date August 31, 2001  
First Named Inventor Brigitte Bathe, et al.  
Examiner Name Kathleen Kerr  
Art Unit 1652  
Attorney Docket No. 032301WN216

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit  
Account  
Number

02-4300

Deposit  
Account  
Name

Smith, Gambrell  
& Russell

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
40	-30 ** = 10	18	180
Independent Claims	6	-3 ** = 3	86 = 258
Multiple Dependent	1	X 290	= 290

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 728

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 110

## SUBMITTED BY

Name (Print/Type) Robert G. Weillacher  
Registration No. (Attorney/Agent) 20,531  
Telephone 202 263-4300  
Signature [Signature] Reg. No. 48,119  
Date March 3, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.